

WALDROP et al
Serial No. 10/656,527
May 4, 2006

REMARKS

Entry of the present amendment and favorable reconsideration and allowance of this application are requested.

As a procedural note, the present amendment is being filed concurrently with a formal Request for Continued Examination (RCE) under 37 CFR §1.114. Accordingly withdrawal of the "finality" of the December 12, 2005 Official Action is in order so as to allow entry and consideration of the amendments and remarks presented herewith.

By way of the amendment instructions above, each of the independent claims has been revised so as to emphasize that the solvent mixture is agitated by ultrasonic energy as supported by the original working Examples of the subject application and claimed originally by claim 8. Accordingly claim 8 has been cancelled as redundant.

The inclusion of the subject matter of claim 8 into each of the independent claims therefore renders moot the rejections advanced in paragraph 6, 7 and 9 of the December 12, 2005 Official Action. Therefore, the only issue remaining to be resolved in this application is the Examiner's rejection of prior claims 8, 17-19, 23 and 37 based on the combination of Fusiak (USP 5,049,300) in view of Sullivan (USP 5,232,515) and further in view of Machac Jr. et al (US Publication 2002/0198124).

In response, applicants have attached a further Rule 131 Declaration which confirms that the present invention was made in this country prior to the April 26, 2001 filing date of Machac, Jr. et al. Accordingly, withdrawal of the rejection advanced against prior claims 8, 17-19, 23 and 37 is in order.

Every effort has been made to advance prosecution of this application to allowance. Therefore, in view of the amendments and remarks above, applicant suggests that all claims are in condition for allowance and Official Notice of the same is solicited.

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Should any small matters remain outstanding, the Examiner is encouraged to telephone the Applicants' undersigned attorney so that the same may be resolved without the need for an additional written action and reply.

An early and favorable reply on the merits is awaited.

Respectfully submitted,

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